

House Resolution 86

By: Representatives Rogers of the 26th, Reece of the 27th, and Mills of the 25th

A RESOLUTION

- 1 Compensating B & A Construction Co., Inc.; and for other purposes.
- 2 WHEREAS, B & A Construction Co., Inc., was a subcontractor engaged in construction of
3 WalMart projects in Loganville, Georgia, and Monroe, Georgia; and
- 4 WHEREAS, the Environmental Protection Division of the Department of Natural Resources
5 fined WalMart for repeated violations of state law regarding erosion and sedimentation; and
- 6 WHEREAS, the fines on the Loganville project amounted to \$90,000.00 plus \$39,000.00 in
7 legal fees; and
- 8 WHEREAS, the fines on the Monroe project amounted to \$70,000.00 plus \$39,000.00 in
9 legal fees; and
- 10 WHEREAS, WalMart has paid the fines in full; and
- 11 WHEREAS, WalMart had a hold harmless agreement in its contract with B & A
12 Construction Co., Inc., and deducted the amounts of the fines and legal fees from its payment
13 to B & A Construction Co., Inc.; and
- 14 WHEREAS, the Environmental Protection Division has stated that it was unaware that B &
15 A Construction, Inc., was an in-state contractor and part of the reason for the amount of the
16 fines against WalMart was based on the conclusion that the general contractor and the
17 sub-grading contractor were from out of state; and
- 18 WHEREAS, the Environmental Protection Division has stated that the fine for an in-state
19 contractor in the Loganville case would only have been \$5,000.00 and in the Monroe case
20 it would have been \$15,000.00; and

1 WHEREAS, the size of the fines and the legal fees were meant to punish WalMart and not
2 B & A Construction, Inc., and it is only fitting and proper that it be compensated for the
3 financial losses.

4 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
5 GEORGIA that the Environmental Protection Division of the Department of Natural
6 Resources is authorized and directed to pay the sum of \$238,000.00 to B & A Construction,
7 Inc., as compensation as provided above. Said sum shall be paid from funds appropriated
8 to or available to said Environmental Protection Division of the Department of Natural
9 Resources and shall be in full and complete satisfaction of all claims against the state arising
10 out of said occurrences.